



Entered on Docket
December 31, 2009

Hon. Linda B. Riegle
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.,¹

Debtors.

Case No.: BK-S-09-14814-LBR
(Jointly Administered)

Chapter 11

Affects:

- ☐ All Debtors
☒ Affects the following Debtor(s):

Apache Framing 09-14818; Pinnacle
Grading 09-14887; Rhodes Design and
Development Corporation 09-14846; The
Rhodes Companies 09-14814; Tribes
Holdings 09-14817 and Tuscany Golf
Country Club 09-14884

Hearing Date: December 17, 2009
Hearing Time: 9:30 a.m.
Courtroom 1

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf and Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

**ORDER GRANTING DEBTORS' FIFTH OMNIBUS OBJECTION TO CLAIMS
PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE AND
BANKRUPTCY RULES 3003 AND 3007
[BOOKS AND RECORDS CLAIMS] [DOCKET NO. 748]**

Upon consideration of the *Debtors' Fifth Omnibus Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007 [Books and Records Claims]* [Docket No. 748] (the "Fifth Omnibus Objection"),² filed by above-captioned debtors and debtors in possession (collectively, the "Debtors"), requesting that the Court enter an order disallowing the Books and Records Claims; and the Court having jurisdiction to consider the Fifth Omnibus Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having reviewed the Fifth Omnibus Objection; the Court hereby finds and determines that, pursuant to Rule 3007 of the Federal Rules of Bankruptcy Procedure, due and proper notice has been provided to the holders of the Books and Records Claims and all other parties entitled to notice; and no other or further notice is necessary; and the relief requested in the Fifth Omnibus Objection is in the best interests of the Debtors, their estates and creditors; and that the legal and factual bases set forth in the Fifth Omnibus Objection establishes just cause for the relief requested therein; therefore

IT IS HEREBY ORDERED THAT:

1. The Fifth Omnibus Objection is granted as set forth herein.
2. The following claims are hereby disallowed and expunged in their entirety:
 - a. Claim Number 1 of Flagstaff Landscape in the amount of \$2,335.97 filed in Case Number 09-14887 against Pinnacle Grading, LLC; and
 - b. Claim Number 14 of Westar Kitchen & Bath in the amount of \$60,309.34 filed in Case No. 09-14814 against The Rhodes Companies, LLC.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Fifth Omnibus Objection.

3. The hearing on the following claims are continued to the omnibus hearing set for January 14, 2010 at 9:00 a.m. for the Debtors to supplement the basis for their objection:

- a. Claim Number 18 of Prolink Systems, Inc. in the amount of \$1,920 filed in Case No. 09-14884 against Tuscany Golf Country Club;
- b. Claim Number 30 of Simplex Grinnell in the amount of \$4,624.94 filed in Case Number 09-14814 against Tribes Holdings, LLC; and
- c. Claim Number 17 of US Yellow Pages in the amount of \$1,291.16 filed in Case Number 09-14846 against Rhodes Design and Development Corporation.

4. The Debtors' objection to Claim No. 2 of Irene Mindo & Teofilo Jose asserted in Case No. 09-14818 against Apache Framing, LLC is withdrawn without prejudice of the Debtors to reassert an objection at a later time.

5. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

APPROVED/DISAPPROVED:

DATED this 18th day of December 2009.

By: August B. Landis
 UNITED STATES TRUSTEE
 August B. Landis
 Office of the United States Trustee
 300 Las Vegas Blvd. S., Ste. 4300
 Las Vegas, NV 89101

DATED this 18 day of December 2009.

Westar Kitchen & Bath, Inc.
 By: Donald H. Williams, Esq.
 WILLIAMS & WIESE
 Donald H. Williams, Esq.
 612 South Tenth Street
 Las Vegas, NV 89101

Submitted by:
 DATED this 17th day of December 2009.

By: /s/ Zachariah Larson
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LR 9021 Certification

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☒ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below.

Submitted by:

DATED this 17th day of December 2009.

By: /s/ Zachariah Larson

LARSON & STEPHENS

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